

Amendments to the Drawings:

The sheets of drawings attached in the Appendix include changes to Figs. 4-6. These sheets replace the original sheets. The drawings have been changed as follows:

- the panels in Fig. 4 have been labeled A and B;
- the panels in Fig. 5 have been labeled A-H; and
- the panels in Fig. 6 have been labeled A and B.

REMARKS

Applicants respectfully request entry of the amendment and reconsideration of the claims. Claims 38, 41-47, 50, and 54 have been amended. Claims 39, 40, 48, and 49 have been canceled without prejudice or disclaimer. Claims 61 and 62 are newly presented. After the entry of the amendment, claims 38, 41-47, and 50-62 will be pending. Claims 46-60 have been withdrawn by the Examiner as being directed to a non-elected invention.

Interview

Applicants' representative Eric DeMaster (Reg. No. 55,107) contacted Examiner Hobbs by telephone on June 14, 2010. Amendments to the claim language that would more precisely define the metes and bounds of the claims within the context of 35 U.S.C. § 112, first and second paragraph were discussed. Agreement with respect to the claims was not reached. Amendments to the labeling of the panels in Figs. 4-6 and the specification were also discussed. The specification and drawings have been amended as suggested by Examiner Hobbs. Applicants thank Examiner Hobbs for the opportunity to discuss the application and her helpful comments.

Drawings

The Office Action objected to the labeling of the panels in Fig. 5, and the lack of labeling of the panels in Figs. 4 and 6. Applicants have amended the labeling of the panels in Figs. 4-6 as requested by the Examiner. The specification has also been amended where appropriate to include the labeling of the panels in Figs. 4-6. Applicants submit the amendment to the drawings and specification does not introduce new matter.

Sequence Rules Compliance

The Office Action alleges the application does not comply with the sequence rules. Applicants respectfully traverse this rejection.

A substitute sequence listing and an amendment deleting the existing sequence listing and inserting the substitute sequence listing in its place was filed on December 3, 2008. On May 21,

2008, a preliminary amendment was filed that amended table 1 at page 10 of the specification as filed and pages 14-15 to include sequence identifiers were appropriate. Applicants therefore submit the specification and sequence listing compliances with the requirements of 37 C.F.R. §§ 1.821-1.825.

Withdrawal of the rejection is respectfully requested.

Claim Objections

Claims 39-45 were objected to as containing an informality. Applicants have amended claims 39-45 as requested by the Examiner to recite “said” instead of “the” to clarify antecedent basis. Claim 44 has been amended to provide antecedent basis for the second antibody.

Rejections under 35 U.S.C. § 112

Claims 38-45 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicants respectfully traverse this rejection.

(1) The Office Action alleges claim 38 and dependent claims 39-45 are indefinite as the term “physiological conditions” in claim 38 is unclear. Applicants respectfully do not agree. However, without acquiescing to the rejection and solely for the purpose of advancing prosecution, the objected to language has been removed from the claims. Applicants submit the rejection is moot in view of the amendment to claim 38.

(2) The Office Action alleges claim 38 and dependent claims 39-45 are indefinite as the term “against” in part (a) of claim 38 renders the claim unclear. Part (a) of claim 38 has been amended for purposes of clarity. Applicants submit the rejection is moot in view of the amendments to part (a) of claim 38.

(3) The Office Action alleges claim 38 and dependent claims 39-45 are indefinite as step (b) in claim 38 is unclear. Step (b) in claim 38 has been amended to recite diluting the sample with a buffered aqueous media having physiological pH and physiological ion strength. Applicants submit the rejection is moot in view of the amendments to part (b) of claim 38.

(4) The Office Action alleges claim 38 and dependent claims 39-45 are indefinite as step (c) in claim 38 is unclear. Step (c) in claim 38 has been amended to clarify that MBL or ficolin binding carbohydrate can be added to the sample to activate the lectin pathway. Applicants submit the rejection is moot in view of the amendments to part (c) of claim 38.

(5) The Office Action alleges claim 38 and dependent claims 39-45 are indefinite as step (d) in claim 38 is unclear. Step (d) in claim 38 has been amended to clarify that the antibody specifically binds C5b-9 complex. The term “autologous” has been removed from claim 38. Applicants submit the rejection is moot in view of the amendments to part (d) of claim 38.

(6) The Office Action alleges claim 42 is indefinite and unclear. Without acquiescing to the rejection and solely for the purpose of advancing prosecution, the objected to language has been removed from the claims. Applicants submit the rejection is moot in view of the amendment to claim 42.

In view of the foregoing, Applicants submit the claims as amended comply with the requirements of § 112, second paragraph. Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

U.S. Patent Application Serial No. 10/521,038

Amendment dated July 26, 2010

Reply to Office Action of January 26, 2010

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Eric E. DeMaster
Reg. No. 55,107
DRD:EED:jrm

Date: July 26, 2010

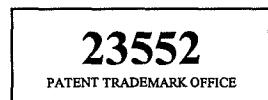


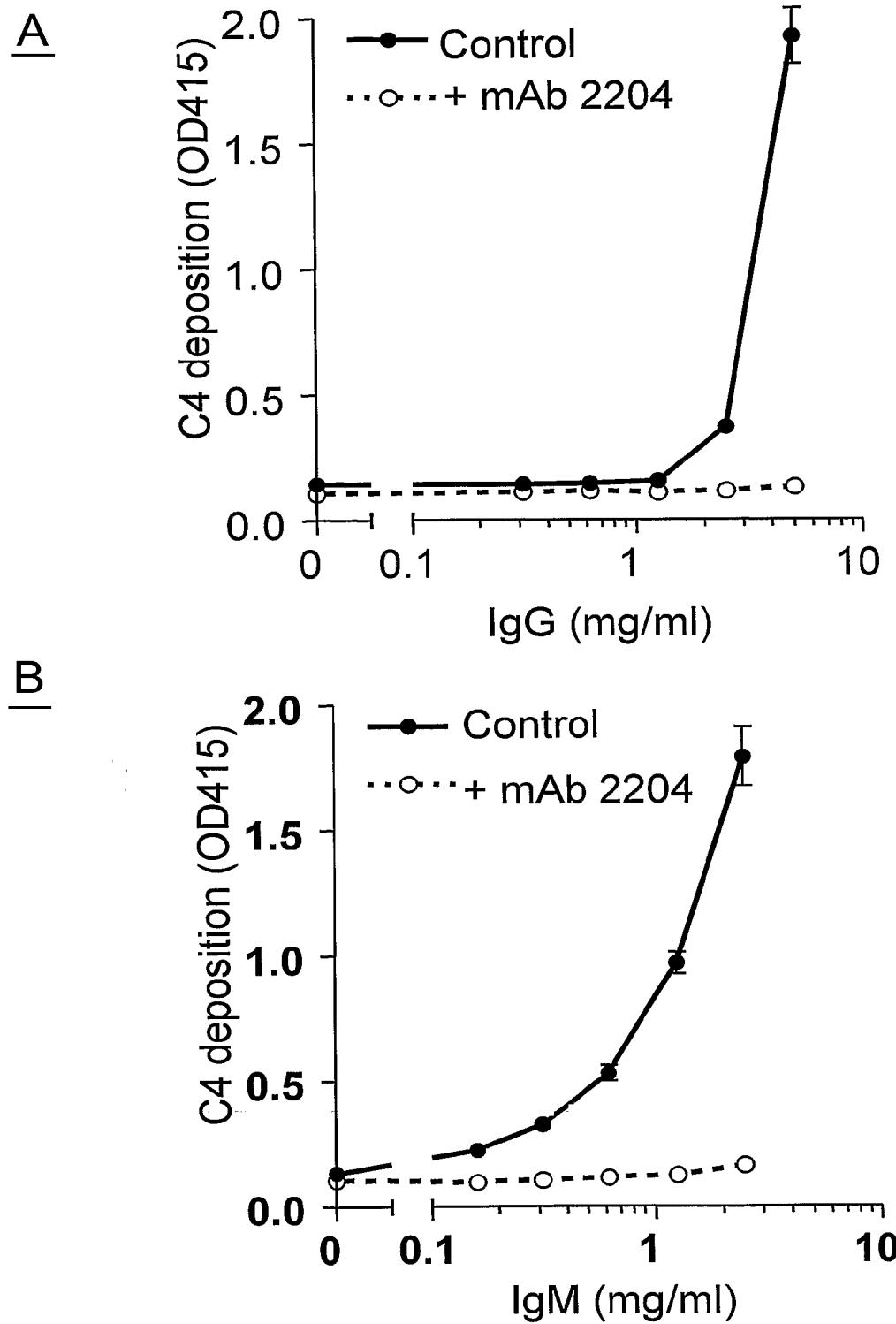
Fig 4.

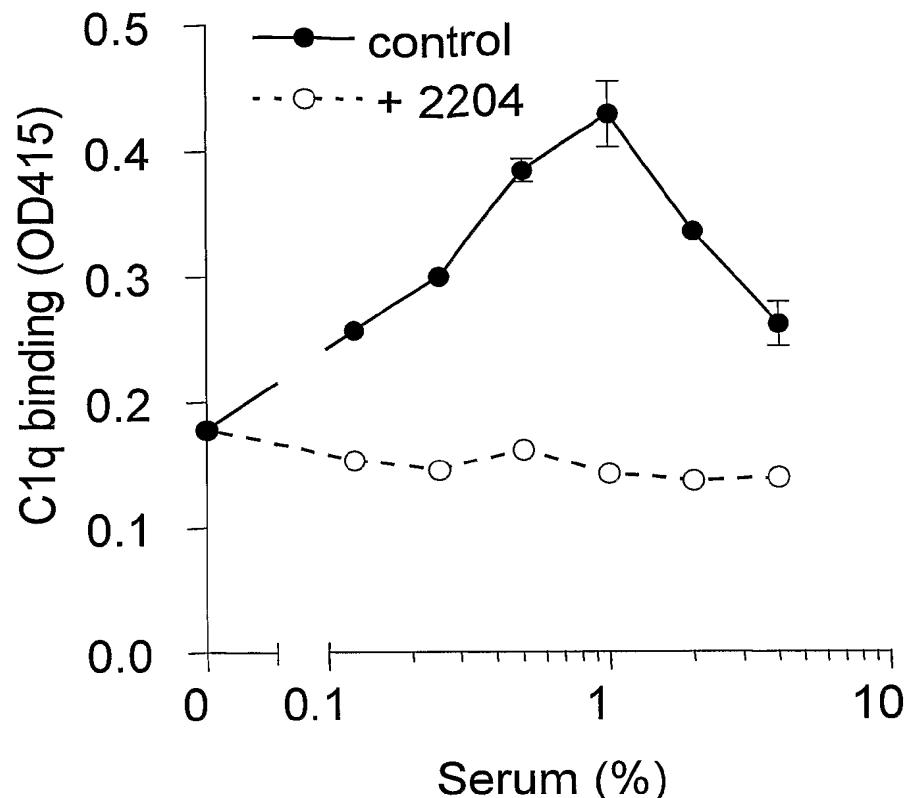
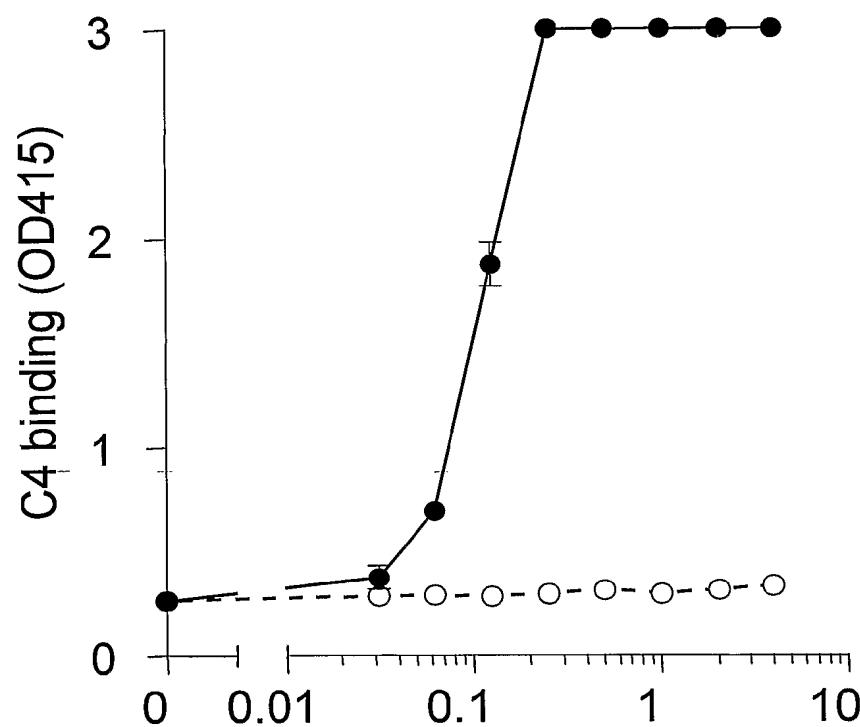
Fig 5.**A****B**

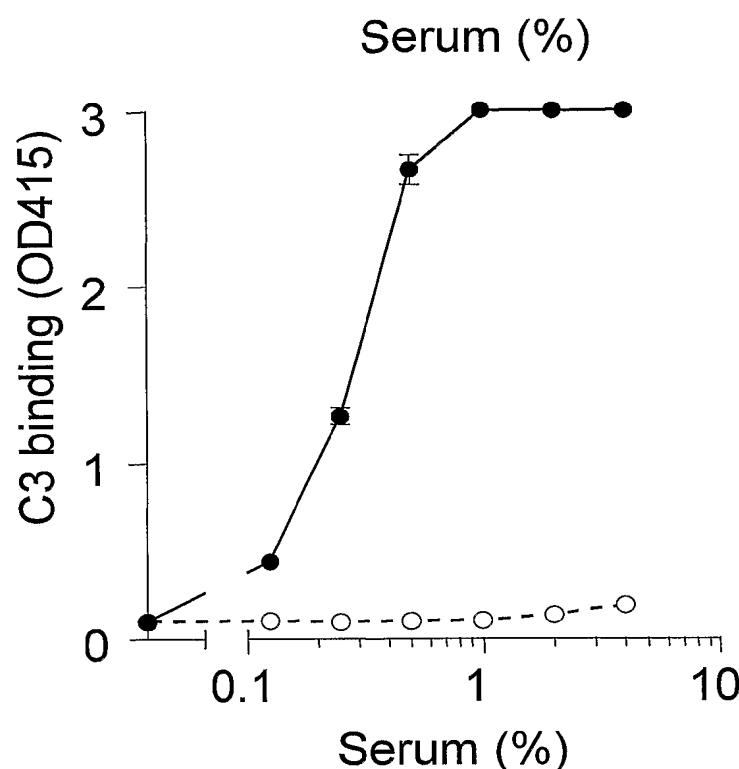
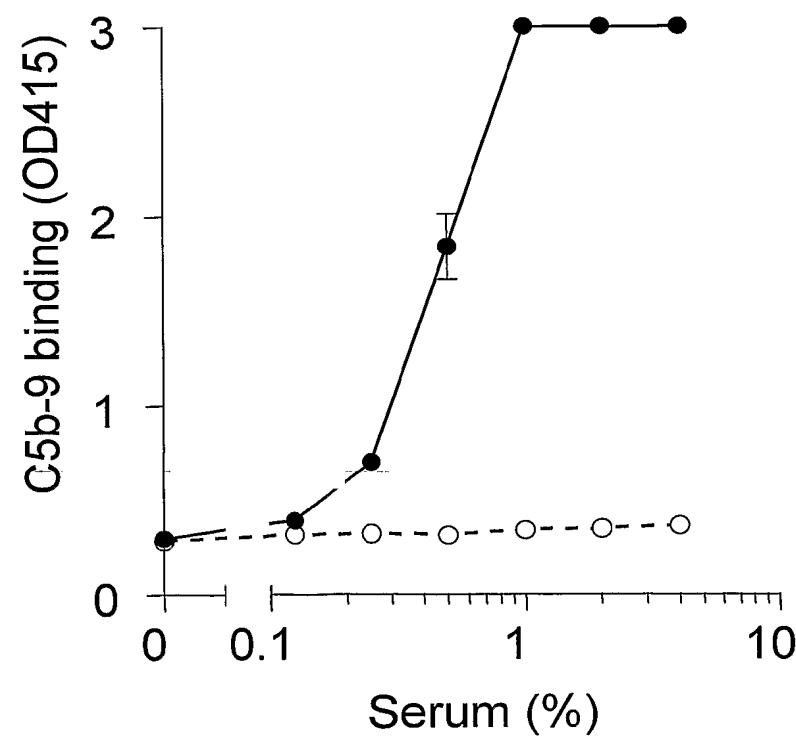
Fig 5.**A**C**|D**

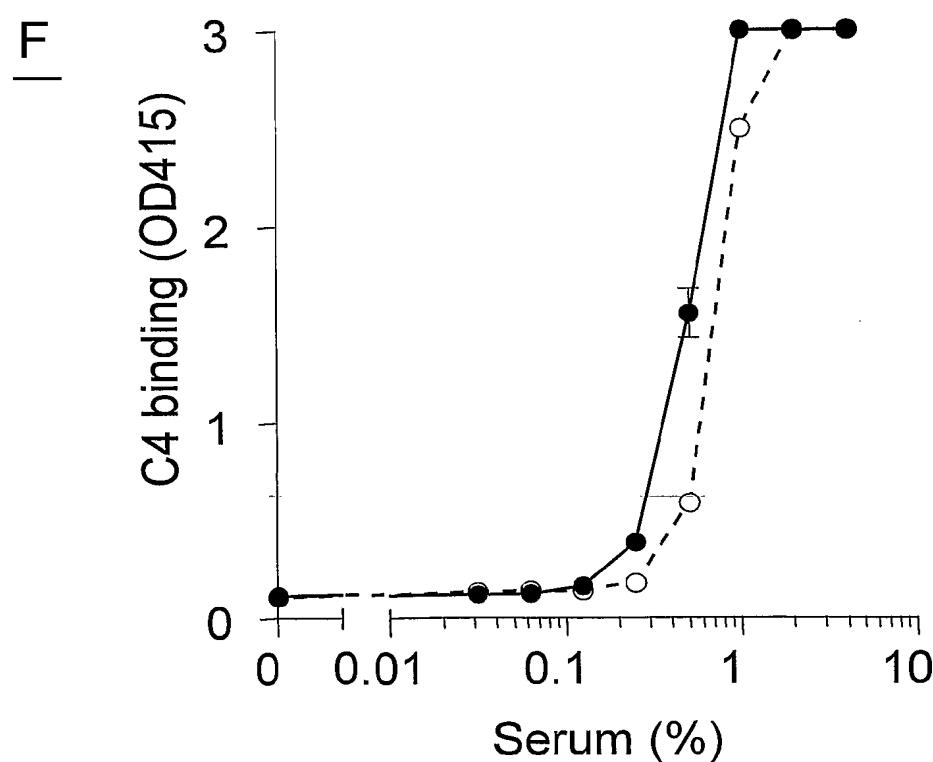
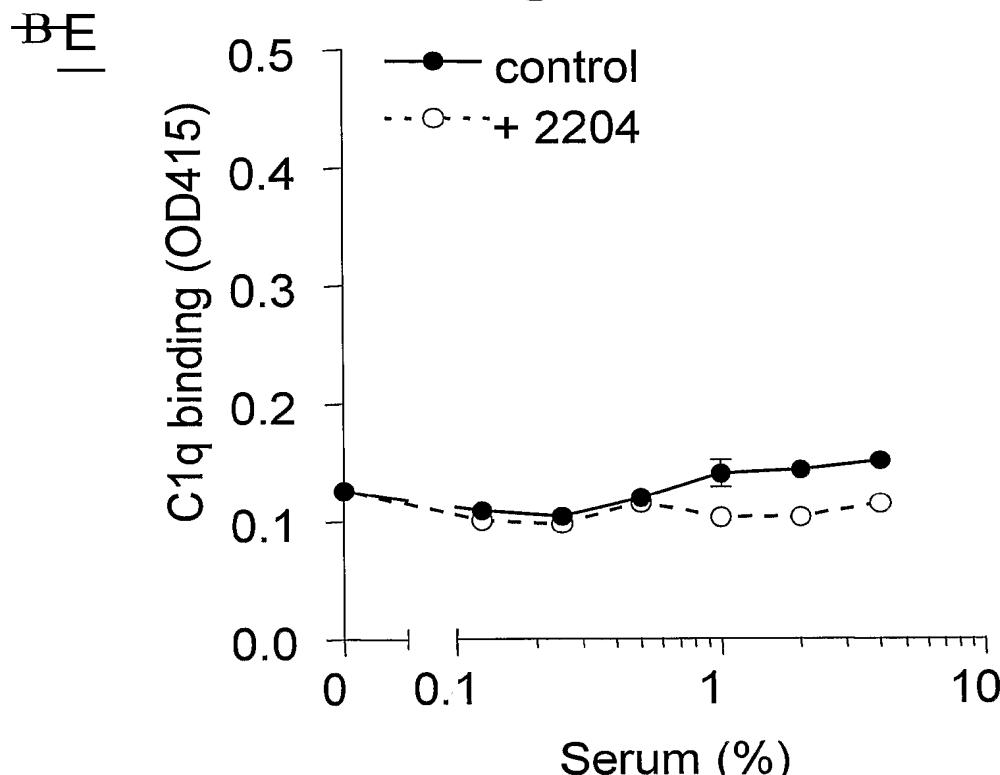
Fig 5.

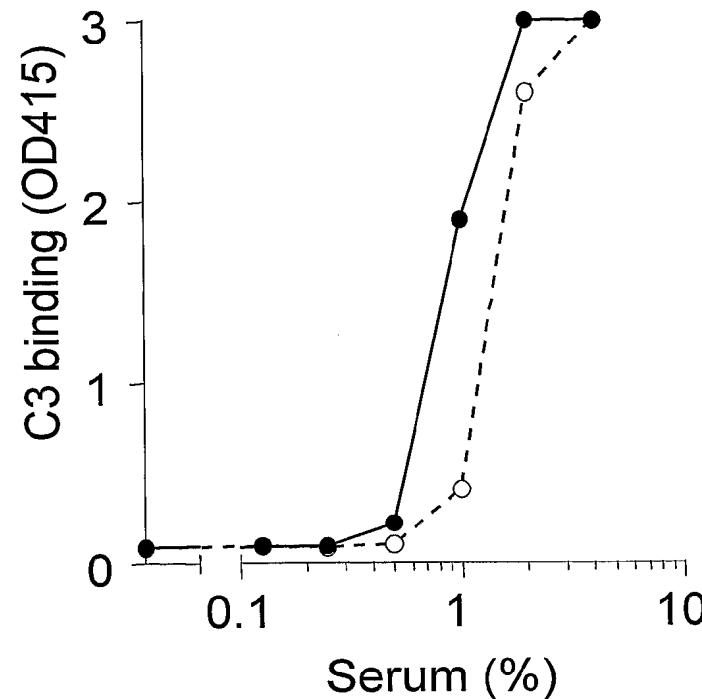
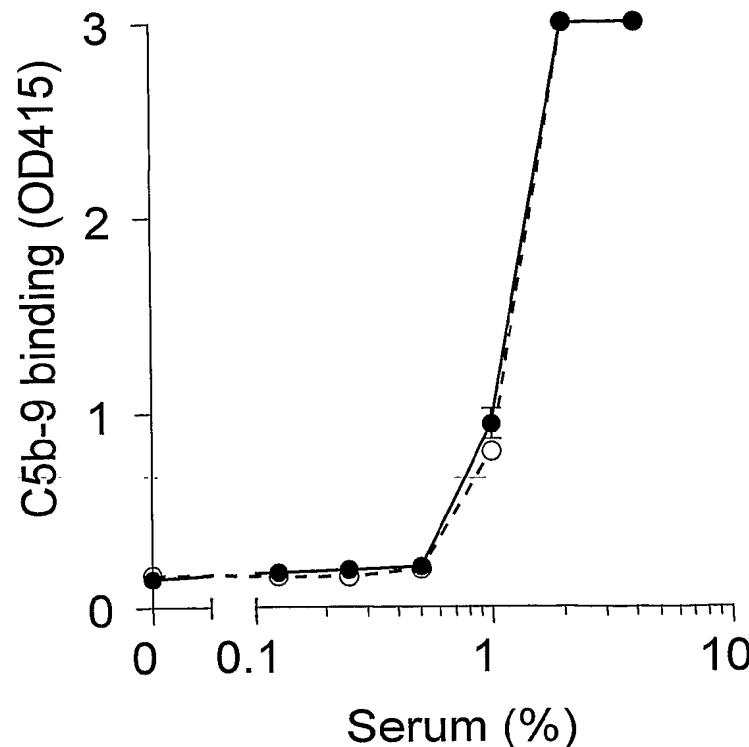
Fig 5.**BG****H**

Fig 6.